

Remarks

Claims 38-46 stand in the application. Claims 38, 40, 42, 43, 45 and 46 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

35 U.S.C. § 102(e)

Claims 38, 39, 41, 42, 44 and 45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Number (USPAN) 2003/0097361 (Huang). Applicant respectfully traverses this anticipation rejection, and requests reconsideration and removal of this anticipation rejection.

Applicant respectfully submits that claims 38, 39, 41, 42, 44 and 45 define over Huang. To anticipate a claim under 35 U.S.C. § 102(e), the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant submits that Huang fails to teach each and every element recited in claims 38, 39, 41, 42, 44 and 45 and thus they define over Huang. For example, with respect to claim 38, as amended, Huang fails to teach, among other things, the following language:

placing a call to said second person to provide said event reminder at said date and time using a text-to-speech engine; requesting confirmation as to whether said second person is to attend said event; and receiving said confirmation for said event from said second person over said call.

As correctly noted in the Office Action, Huang fails to disclose the missing language. Office Action, Page 3. Consequently, Huang fails to disclose all the elements or features

of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 38.

Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 39-41, which depend from claim 38, and therefore, contain additional features that further distinguish these claims from Huang.

Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to these claims.

Claims 42 and 45 recite features similar to those recited in claim 38. Therefore, for reasons analogous to those presented with respect to claim 38, Applicant respectfully submits that claims 42 and 45, and all claims directly or indirectly depending therefrom, including claim 44, are not anticipated and are patentable over Huang. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to these claims.

35 U.S.C. § 103(a)

Claims 40, 43 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of USPN 6,167,434 (Pang). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Applicant has incorporated subject matter from dependent claims 40, 43 and 46 into independent claims 38, 42 and 45, respectively. Therefore, the obviousness rejection with respect to claims 40, 43 and 46 will be addressed below with respect to amended claims 38, 42 and 45.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference or references when combined must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Claims 38, 42 and 45 define over Huang and Pang, whether taken alone or in combination. As recited above, to form a *prima facie* case of obviousness under 35 U.S.C. § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 38, 42 and 45. For example, claim 38 recites the following language, in relevant part:

placing a call to said second person to provide said event reminder at said date and time using a text-to-speech engine; requesting confirmation as to whether said second person is to attend said event; and receiving said confirmation for said event from said second person over said call.

As previously discussed, the above-recited language is not disclosed by Huang.

According to the Office Action, the missing language is disclosed by Pang at column 6, lines 25-50. Applicant respectfully disagrees.

Pang at the given cite, in relevant part, states “a standardized method for replying to such meeting invitations can be accomplished by providing a confirmation, on the users’ email system.” By way of contrast, the claimed subject matter recites “receiving said confirmation for said event from said second person over said call” as recited in claim 38. Therefore, Pang fails to disclose, teach or suggest the missing language. Consequently, Huang and Pang fail to disclose, teach or suggest every element recited in claim 38, whether taken alone or in combination. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 38.

Claims 42 and 45 recite features similar to those recited in claim 38. Therefore, for reasons analogous to those presented with respect to claim 38, Applicant respectfully submits that claims 42 and 45 are not obvious and are patentable over Huang and Pang, whether taken alone or in combination. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 42 and 45.

For at least the above reasons, Applicant submits that claims 38-46 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action’s rejection with respect to any of the dependent claims discussed above.

Appl. No. 09/893,734

Amendment Dated November 12, 2004

Reply to Office Action of August 12, 2004 (Paper No. 15)

Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 38-46 are in allowable form. Accordingly, a Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,
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Under 37 CFR 1.34(a)

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